4: Barnes E-5 (1946-1949)1951 FR5 Ngoni FR5
Mpezeni

[593] [583] payment. It may have been that Nimshi was merely trying to get as much as he could hope for out of Simon, who was a fierce and powerful person. In view, however, of the decline in the incidence of bridewealth and the increasing importance of the legalization payment it is not unlikely that this right to the daughter's legalization payment may soon be separated from bridewealth.

[428] [583] It is at the death of a man that his children exercise their particular rights from him as against the claims of other kin. If a man has paid bridewealth for his wife, then the claim of his eldest son by her to his property is clear. The eldest son by the great wife is the heir, and he takes over control of the dead man's herd, and inherits his money. For inheritance, cattle are more important than money. [454] Most men keep their money hidden in the ground, and it sometimes happens that a man dies without mentioning where he has put his savings, so that they are lost. Cattle are publicly-owned property, [422] in that every boy in the village knows the ownership of each beast, and they can be seen in the byre every day. Men sometimes divide their property among their sons before they die, but it is more usual for a man to give one cow to the eldest son of each wife and to leave the rest undivided. The residue then passes to his heir on his death. [583] If bridewealth has not been paid, the claim of the dead man's eldest son to the herd may be disputed by the dead man's brothers. Succession here does not seem to be determined in the light of the failure to pay bridewealth but by a consideration of residence. If a man is living in the same village as his father then he can expect to inherit his father's cattle when he dies. If he is living elsewhere, and tries to claim his inheritance, he may be opposed by his father's kinsmen resident in his father's village should he try to remove the cattle.

The eldest son inherits, but he has an obligation to help his sisters and younger brothers when they need beasts or money. If the other brothers are scattered in different villages, the herd may be divided among them, but it may be many years after the death that the division takes place. If the eldest son is in Southern Rhodesia the dead man's brothers delay the division of the herd as long as possible in case the rightful heir should return.

[425] Women acquire cattle and other animals with money they have saved or gained by selling beer, or as gifts from their husbands. [583] If no bridewealth has been paid for a woman any animals she may own pass on her death to her eldest son. If bridewealth has been paid for her the disposal of her property is uncertain. Some people argue that the animals cannot then go to her son, for her son belongs to her husband's group because of the bridewealth, and that they ought to pass to her brother's son. Others say that the animals should go to her eldest son irrespective of bridewealth. Unfortunately I did not record any specific instance of inheritance from a woman.

7: Hodgson G-5 (1926) 1933 FR5 Ngoni FR5
Maravi FR4

M 575 535 [534] so that anyone coming that way may see "medicine" and turn aside. After which, all bathe in the stream, and the ceremonies are over.

During a *vinyau* dance six drums are always used, namely, the *mphonje* (five or six feet in length, and beaten at one end only); the *ndewere* (another large drum three feet in length), or the *mbalule*; the *mbandambanda* and the *ntiwiso* (of medium size about two feet long); and two *kumkumbo* (small drums eighteen inches in length). These are beaten by men detailed by the headman or *chiwinda*; but there are no special drums appertaining exclusively to particular *mitiwala* or songs. The big village drum always belongs to the headman; the others are privately owned, and are hired out for a small fee, such as an *nsenyau* basket. Before use they are always warmed first at the fire.

4. *Property.*

M N 423 [425] Land was acquired by the Achewa by occupation and by the Angoni by conquest. It was divided by the paramount chief among his lieutenants, who in turn divided their sections among the heads of lesser groups or families. Each headman now allots land to his villagers; and if they move the village to a new site, everyone retains possession of the garden which he held before. The allottee is entitled to trees, antheaps, honey or anything else on his plot; and he may sell crops or other produce, but may not sell or lease the land itself. When reaping his crop, he presents a basket of maize to his headman.

M N [422] In the home, the wife must provide the pots, and they are her personal property. The husband must supply her with baskets, hoes, etc.; but everything which pertains to woman's work belongs to the wife. The produce of a garden is the equal property of both. After a boy has passed through his initiation, he is given a small garden of his own. When, as in the case of the Achewa, he leaves the village to marry, the garden reverts to the chief, who is always spoken of as the owner of the land, since it is he who divides it out among his people.

M [622]

N 422 233 The majority of the cattle owners are Angoni. Possession is individual; but all the animals in one village are kept in one open kraal belonging to the village headman, who selects small boys to look after them. Herdsmen were formerly unpaid; but now, when a beast is sold, killed or otherwise removed, they receive a present from the owner, as also does the headman. There is no fixed fee; but the owner of a dozen head may give the headman a calf every other year, while the owner of one or two only gives him a goat. If a man living in a village where there is no kraal buys cattle, he frequently places them in the care of a friend at a neighbouring village where there is a kraal, instead of handing them over to his own headman. The friend makes his own arrangement with the headman; but the friend is liable to the owner, and the usual payment is made to the friend, who divides it with the headman.

N 672 233 If a beast dies in the kraal, there is no liability, provided that the headman (or responsible friend) informs the owner, so that the latter can make use of the meat. Should the headman or friend fail to do this, he must pay the owner a live animal of the same age and sex. Where loss occurs through the carelessness of a herdsman, a case for damages lies against him. Sometimes cows calve in the kraal, but generally they wander off into the bush for the purpose; if they are then lost, or killed by carnivora, there is no liability. If a cow sold as sound dies

10: Barnes E-5 (1946-1949) 1959
FR5 Ngoni FR5
Mpezeni

more industrious and usually with a view to sale of vegetables in Fort Jameson. The sites last for many years and are usually abandoned because of the removal of the owner's village to a distant place rather than because of exhaustion of the soil. 311 241

Old-village gardens are made on the site of former huts and byres, in order to take advantage of the high fertility of the soil. These gardens are not usually fenced, except when they are made on the outskirts of some existing village on the site of an old byre. Tobacco is sometimes grown, but for the most part they are cultivated in the same way as are main gardens. The site belongs to the former owner of the hut or byre, so long as the garden continues to be worked. [423]

Main gardens are made from bush clearings, and are chosen with some regard to the type and quantity of the natural vegetation. Land that has been abandoned for long enough, say twenty-five years, regains its natural cover, and if the ownership of former gardens has been forgotten, it is treated as though it were virgin woodland, that is, it is permissible for anyone who wishes to come and cultivate it. A new village site is chosen to be near, if possible, an ample amount of such regenerated land, and at the first selection of gardens the headman of the village may go round the area and see where the new gardens are being made. Gardens tend to be within 2 miles of the village, but there is no one definite area that is associated with a particular village, so that if there are a number of villages in proximity, the gardens of their inhabitants will be intermingled. A man exercises a lien on the area of uncleared land round his garden, and may take up this land himself as he enlarges his garden. Hence at first there are considerable belts of bush left between one garden and the next. With the passage of time, these are cleared, and gardens become contiguous, with boundaries between them that are almost imperceptible at first glance. At the same time as enlargements are made, the least productive parts of the gardens are neglected, so that, as the years go by, the area cultivated by one man may gradually change its position, and fresh areas of resting-land will appear between the gardens. Main gardens vary in size from about 1 to 3 acres. [361] [425]

If a man moves into a village and wishes to start a garden, he is usually given part of the garden of the person to whom he is attached in the village. A son returning from the mines may be given part of his father's garden. Conversely when someone leaves the village, his garden passes to his relatives. In particular, when a man dies, his 423